



## JOINT PINOLE CITY COUNCIL & REDEVELOPMENT AGENCY AGENDA

TUESDAY,  
October 18, 2011  
5:30 P.M.

2131 Pear Street, Pinole, California

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**Roy Swearingen, Mayor/Chair**  
**Peter Murray, Mayor Pro Tem / Vice Chair**  
**Tim Banuelos, Council Member / Board Member**  
**Phil Green, Council Member/ Board Member**  
**Debbie Long, Council Member / Board Member**

**Public Comment:** The public is encouraged to address the City Council or Agency Board on any matter listed on the agenda or on any other matter within its jurisdiction subject to the rules of decorum described in Council Resolution 2009-124. If you wish to address the City Council or Agency Board, please complete the gold card that is provided at the rear entrance to the Council Chambers and hand the card to the City Clerk/Secretary. City Council or Agency Board will hear public comment on items listed on the agenda during discussion of the matter and prior to a vote. City Council or Agency Board will hear public comment on matters **not** listed on the agenda during Citizens to be Heard, Agenda Items 6.

**Americans With Disabilities Act:** In compliance with the Americans With Disabilities Act of 1990, if you need special assistance to participate in a City Meeting or you need a copy of the agenda, or the agenda packet in an appropriate alternative format, please contact the City Clerk's Office at (510) 724-8928. Notification at least 48 hours prior to the meeting or time when services are needed will assist the City staff in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service. Assisted listening devices are available at this meeting. Ask the City Clerk if you desire to use this device.

**Note:** Staff reports are available for inspection at the Office of the City Clerk, City Hall, 2131 Pear Street during regular business hours, 8:00 a.m. to 4:30 p.m. Monday – Thursday, and on the City Website at [www.ci.pinole.ca.us](http://www.ci.pinole.ca.us). You may also contact the City Clerk via e-mail at [pathenour@ci.pinole.ca.us](mailto:pathenour@ci.pinole.ca.us)

COUNCIL/REDEVELOPMENT AGENCY MEETINGS ARE TELEVISED LIVE ON CHANNEL 26. They are retelecast the following Thursday at 6:00 p.m. The Community TV Channel 26 schedule is published on the city's website at [www.ci.pinole.ca.us](http://www.ci.pinole.ca.us). City Council/Redevelopment Agency meetings are video-streamed live on the City's website, and remain archived on the site for six months.

**Ralph M. Brown Act. G.C. § 54950.** *In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. The people of this State do not yield their sovereignty to the agencies, which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.*

**1. CALL TO ORDER & PLEDGE OF ALLEGIANCE IN HONOR OF THE US MILITARY TROOPS**

**2. ROLL CALL, CITY CLERK/SECRETARY'S REPORT & STATEMENT OF CONFLICT**

*An official who has a conflict must, prior to consideration of the decision: (1) publicly identify in detail the financial interest that causes the conflict; (2) recuse himself /herself from discussing and voting on the matter; and (3) leave the room until after the decision has been made, Cal. Gov't Code § 87200.*

**3. CONVENE TO CLOSED SESSION – CITY COUNCIL/REDEVELOPMENT AGENCY  
(5:30 PM – 7:00 P.M.)**

*Closed Sessions are held in the Council Caucus/Community Meeting Room located at 2131 Pear Street, Pinole, California. Topics at Closed Session may include, but are not limited to License Permit Determinations, Conference with Real Property Negotiators, Conference With Legal Counsel (Existing & Anticipated Litigation), Liability Claims, Threat to Public Service/Facilities, Labor Negotiation, Public Employee Appointment, Evaluation or Discipline or Release, and Case Review/Planning, Report Involving Trade Secret, Hearings, and Charge Involving Information Protected By Federal Law. Citizens may address the Council / Agency Board regarding a Closed Session item prior to the Board adjourning into the Closed Session*

City Council

- A. CONFERENCE WITH LEGAL COUNSEL  
EXISTING FILED LITIGATION – Gov. Code §54956.9(a)  
City of Pinole v. Bruce Carone Grading & Paving, Inc. et.al  
Contra Costa County Superior Court Case No. C 10-02168
- B. CONFERENCE WITH LEGAL COUNSEL--EXISTING LITIGATION- GC§54956.9(a)  
Donald Sipple v. City of Alameda (Class Action)  
Los Angeles Superior Court Case No. BC462270
- C. CONFERENCE WITH LABOR NEGOTIATOR - Pursuant to GC §54597.6  
City Labor Negotiator: Belinda Espinosa, City Manager & Michelle Fitzer,  
Asst City Manager  
Employee Organizations: Fire Local 1230 and Pinole Police Employees  
Association (PPEA)

**4. RECONVENE IN OPEN SESSION TO ANNOUNCE RESULTS OF CLOSED SESSION**

**5. RECOGNITIONS / PRESENTATIONS**

- A. Proclamations
- B. Presentations
  - 1. Northern CA Cruisers Car Show Donations Presentation by President John Louden

**6. CITIZENS TO BE HEARD (Public Comments)**

*Citizens may speak under any item not listed on the Agenda. The time limit is 2 minutes for Agency Board items and 3 minutes for City Council items, and is subject to modification by the Mayor/ Chair. Pursuant to provisions of the Brown Act, no action may be taken on a matter unless it is listed on the agenda, or unless certain emergency or special circumstances exist. The City Council or Agency Board may direct staff to investigate and/or schedule certain matters for consideration at a future Agency meeting.*

## 7. CONSENT CALENDAR

*All matters under the Consent Calendar are considered to be routine and noncontroversial. These items will be enacted by one motion and without discussion. If, however, any interested party or Board/Council member(s) wishes to discuss a consent item, it will be removed from the Consent Calendar and taken up in order after the last item on the Consent Calendar.*

### Joint Agency Board / City Council

- A. Approve the Minutes of the October 4, 2011 Meeting
- B. Receive the October 1 -14, 2011 List of Warrants and Receive the October 14, 2011 Payroll in the Amount of \$ \$346,543.23

### City Council

#### **Continued From August 16, 2011**

- C. Second Reading & **Adoption of Ordinance 2011-04** Authorizing the City to Make Certain Remittances to the County Auditor Controller in Accordance With Health and Safety Code Section 34194 and to Take All Other Actions Required in Order to Continue Redevelopment Activities in the City of Pinole [ **Action: Recommendation for Continuance to November 15, 2011 (Downs)**]
- D. Authorize The Placement Of Liens For Delinquent Unpaid Waste Collection Charges Between June and September 2011 [**Council Report No. 2011-118; Action: Adopt Resolution Per Staff Recommendation (Athenour)**]
- E. Approve Park Hsieh O.D. as a Proposed Tenant At 2704 Pinole Valley Road In The Pinole Valley Shopping Center [**Council Report No. 2011-119; Action: Adopt Resolution (Drazba)**]

## 8. PUBLIC HEARINGS

### **REDEVELOPMENT AGENCY - Public Hearing Continued From August 16, 2011**

- A. Conduct a Public Hearing to Consider Adoption of the Pinole Redevelopment Agency Operational and Debt Service Budgets For Fiscal Year 2011/12, [**Action: Recommendation for Continuance to November 15, 2011 (Loomis)**]

## 9. OLD BUSINESS

### **Joint Agency Board / City Council - Public Hearing Continued From August 16, 2011**

- A. Approve the Remittance Agreement Between the Pinole Redevelopment Agency and the City of Pinole Regarding AB 27 and Associated Actions Thereto [**Action: Recommendation for Continuance to November 15, 2011 (Downs)**]

## 10. NEW BUSINESS

### City Council

- A. Update on Fire Department Activities [**Verbal Report; Action: Receive Report (Hanley)**]

- B. Provide Comments and Direction to WCCIWMA Delegate Murray on the Post Collection Franchise Agreement [**Council Report No. 2011-120; Action: Adopt Resolution Per Staff Recommendation (Allison)**]
- C. Authorize the City Manager To Execute A Contract for Brokerage / Leasing Services to Cory Lawrence of Cushman and Wakefield For Property Located At 2361 San Pablo Avenue [**Council Report No. 2011-121; Action: Adopt Resolution (Drazba/Fitzer)**]

**11. REPORTS & COMMUNICATIONS**

- A. Mayor / Chair Report
  - 1. Announcements
- B. Mayoral / Council Appointments
  - 1. Appoint a Member to the Selection Committee for the Design Engineering Firm for the Water Pollution Control Plant Upgrade [**Council Report No. 2011-122; Action: Appoint By Minute Order (Allison)**]
- C. City Council / Agency Board Committee Reports
- D. Council Requests For Future Agenda Items
- E. City Manager / Executive Director Report / Department Staff
- F. City Attorney Report

**12. ADJOURNMENT** to the Regular Redevelopment Agency/City Council Meeting of November 1, 2011 and in memory of the fallen US Armed Service members and Pinole citizens Amber Swartz, Robert Michael Roybal, Isabelle Catrino and Lucille A. Lilly (Heim).

**POSTED: October 13, 2011 at 4:00 P.M.**

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**Patricia Athenour, MMC**  
**City Clerk**

***Documents provided to a majority of the City Council after distribution of the packet, regarding any item on this agenda will be made available for public inspection at the Administration Counter at City Hall located at 2131 Pear Street in a binder located outside the Council Chambers at 2131 Pear Street, available during normal business hours. (Pursuant to SB 343-effective July 1, 2008)***